

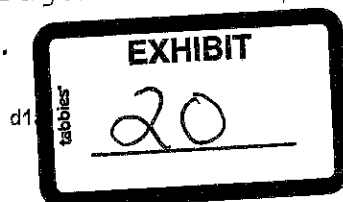
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<p>1 Q For the large OC spray.</p> <p>2 A Correct.</p> <p>3 Q Do you know who that individual was that was</p> <p>4 holding it?</p> <p>5 A No.</p> <p>6 Q Watch kind of as that individual moves</p> <p>7 through the crowd here, and I'm going to ask if you're</p> <p>8 able to identify him.</p> <p>9 (Video played.)</p> <p>10 THE WITNESS: I'm sorry. I already lost</p> <p>11 him.</p> <p>12 Q You're fine. Let's go back to eight. Six.</p> <p>13 (Video played.)</p> <p>14 Q Should be him on the right of the screen</p> <p>15 with his hands near his pants. Do you know who that</p> <p>16 individual is?</p> <p>17 A No.</p> <p>18 Q I'll represent to you that the individual in</p> <p>19 that video that is being arrested is Drew Burbridge.</p> <p>20 A Okay.</p> <p>21 Q Why were you arresting Drew Burbridge?</p> <p>22 A I was detaining him.</p> <p>23 Q Why were you detaining him?</p> <p>24 A That was our orders.</p> <p>25 Q And who ordered you to do so?</p>	<p>1 A My commanding officer.</p> <p>2 Q Did you observe Drew Burbridge violate the</p> <p>3 law in any way?</p> <p>4 A No.</p> <p>5 Q Did he threaten you at any time?</p> <p>6 A No.</p> <p>7 Q Did he assault you?</p> <p>8 A No.</p> <p>9 Q You were told to detain him.</p> <p>10 A Yes.</p> <p>11 Q And I saw your pause. Were you told to</p> <p>12 detain him specifically or were you told to start</p> <p>13 detaining people?</p> <p>14 A People.</p> <p>15 Q How did you select individuals to be</p> <p>16 detained?</p> <p>17 A I don't really think there was a method to</p> <p>18 it. I just believed whoever was closest as we were</p> <p>19 moving through the large group of people.</p> <p>20 Q So you couldn't say one way or another that</p> <p>21 that individual or any of the individuals you detained</p> <p>22 did or did not do anything that night.</p> <p>23 A Correct.</p> <p>24 Q You were acting on an order that said, hey,</p> <p>25 officer, you're down here to help out, here's how</p>
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<p>1 you're going to help out, start flex cuffing these</p> <p>2 people.</p> <p>3 A Correct.</p> <p>4 Q Were you aware that that individual was</p> <p>5 maced that night?</p> <p>6 A No.</p> <p>7 Q Did you mace anybody that night?</p> <p>8 A No.</p> <p>9 Q Did you ever hear while you were arresting</p> <p>10 this individual in the video anyone threaten to deploy</p> <p>11 chemical munitions on or towards him?</p> <p>12 A No.</p> <p>13 Q And to be clear, you just had your regular</p> <p>14 kit that night, correct? You did not have any type of</p> <p>15 riot gear?</p> <p>16 A Well, I guess you consider the gas mask part</p> <p>17 of that. That would be the only thing I was wearing.</p> <p>18 Q Fair enough. Why were you wearing a gas</p> <p>19 mask?</p> <p>20 A We were told to.</p> <p>21 Q Do you remember who told you to?</p> <p>22 A No.</p> <p>23 Q Do you have that as part of your equipment</p> <p>24 in the car?</p> <p>25 A Yes. It's part of our weapons of mass</p>	<p>1 destruction kit, if you will.</p> <p>2 Q Is that something if I saw you -- well, not</p> <p>3 tonight, you're not on patrol. If I went down and saw</p> <p>4 John patrol officer and Jane patrol officer in the</p> <p>5 car, would they have one?</p> <p>6 A They should.</p> <p>7 Q Did you write any reports as they relate to</p> <p>8 this arrest?</p> <p>9 A No.</p> <p>10 Q Were you -- I'm sorry, I'm using the word</p> <p>11 arrest. Detention. Is that fair?</p> <p>12 A That's correct. That's fair.</p> <p>13 Q Did you sign or swear out any tickets or</p> <p>14 affidavits as it relates to this detention?</p> <p>15 A No.</p> <p>16 Q Did anyone ever ask you to fill out any</p> <p>17 reports or affidavits regarding this detention?</p> <p>18 A No.</p> <p>19 Q Have you written any reports as they relate</p> <p>20 to anything related to the Stockley verdict, protests</p> <p>21 or civil unrest?</p> <p>22 A No.</p> <p>23 Q Has anyone ever asked you to?</p> <p>24 A No.</p> <p>25 Q At the conclusion of the events of this</p>

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<p>1 evening, Sunday, September 17, 2017, do you remember</p> <p>2 receiving any emails, orders, memorandum, any type of</p> <p>3 communication that directed you to file a report if</p> <p>4 you had used any force or gone hands on with any</p> <p>5 citizens?</p> <p>6 A Like specifically to me?</p> <p>7 Q Let's start with you. Directed to you.</p> <p>8 A Not that I can recall.</p> <p>9 Q Do you remember any at all, generalwise?</p> <p>10 A No.</p> <p>11 Q Did you receive at any point any specific</p> <p>12 briefings or intelligence from anyone in the</p> <p>13 department regarding the anticipated civil unrest</p> <p>14 surrounding the Stockley verdict?</p> <p>15 A I'm sorry, can you --</p> <p>16 Q Yeah. So around this time it was highly</p> <p>17 anticipated that a judge would be releasing the</p> <p>18 verdict in the Stockley case.</p> <p>19 A Correct.</p> <p>20 Q Do you recall at any point receiving an</p> <p>21 intelligence briefing or any type of specialized</p> <p>22 instruction from the department regarding the police</p> <p>23 response to that verdict?</p> <p>24 A No.</p> <p>25 Q And more specifically, just to the point,</p>	<p>1 did anybody say, hey, stuff could get a little</p> <p>2 sideways here. No matter what happens, here's the</p> <p>3 game plan.</p> <p>4 A We were just directed that the verdict would</p> <p>5 be -- we were given a heads up, if you will, that the</p> <p>6 verdict would be released in X time frame, I guess to</p> <p>7 give us time to prepare -- the department, I should</p> <p>8 say, time to prepare.</p> <p>9 Q Did they do anything to prepare you for</p> <p>10 that?</p> <p>11 A No.</p> <p>12 Q Any additional training?</p> <p>13 A No.</p> <p>14 Q Anybody say, hey, why don't you give those</p> <p>15 special orders another quick review?</p> <p>16 A No.</p> <p>17 Q You had a roll call that night?</p> <p>18 A Yes.</p> <p>19 Q Do you remember anything about it?</p> <p>20 A General roll call. Nothing, I mean, that</p> <p>21 would stick out.</p> <p>22 Q This is probably a question above your pay</p> <p>23 grade, and if it is, just tell me. They had the civil</p> <p>24 disobedience team there, correct?</p> <p>25 A Where?</p>
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<p>1 Q Downtown that night?</p> <p>2 A Yes.</p> <p>3 Q And they were deployed at this intersection</p> <p>4 that you see in the video, correct?</p> <p>5 A I would imagine so.</p> <p>6 Q You see a lot of these guys are wearing the</p> <p>7 black tactical gear, right?</p> <p>8 A Yes.</p> <p>9 Q Why are you performing detentions with all</p> <p>10 of these other people down there?</p> <p>11 MR. LAIRD: Object to the form of the</p> <p>12 question. Calls for speculation.</p> <p>13 BY MR. NEWTON:</p> <p>14 Q If you know. Do you know why you're doing</p> <p>15 this rather than the civil disobedience team guys?</p> <p>16 A I do not know. Those were the orders I was</p> <p>17 given.</p> <p>18 Q So that night you had no specific special</p> <p>19 orders, modified rules of engagement, training,</p> <p>20 briefing to prepare you for entering this scene; is</p> <p>21 that correct?</p> <p>22 A That's correct.</p> <p>23 Q It is just you were expecting a night of</p> <p>24 patrol and got assigned to this.</p> <p>25 A Yes.</p>	<p>1 Q Since these events, have you received any</p> <p>2 training from the department on crowd control, civil</p> <p>3 disobedience, riot response?</p> <p>4 A No.</p> <p>5 Q Have you received any additional training</p> <p>6 from the department specific to chemical weapons</p> <p>7 deployment or use of force?</p> <p>8 A Outside of our general certification, annual</p> <p>9 certification, no.</p> <p>10 Q Nothing that seems specifically tailored or</p> <p>11 geared toward large crowd response.</p> <p>12 A No.</p> <p>13 Q And I think I asked this, but I just want to</p> <p>14 be very direct about it.</p> <p>15 Do you remember who was giving you</p> <p>16 instructions down at this intersection on Sunday,</p> <p>17 September 17, 2017?</p> <p>18 A No.</p> <p>19 Q Who was your sergeant that night?</p> <p>20 A In the district, it was Steve Schwartz.</p> <p>21 Q Was he down there? Again, "down there," was</p> <p>22 he at the scene of the response that night?</p> <p>23 A At that scene, I don't recall like him being</p> <p>24 there.</p> <p>25 Q It was not him directing you on what to do.</p>

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<p>1 A No.</p> <p>2 Q Do you remember any orders on Sunday,</p> <p>3 September 17th, 2017, chemical munitions were going to</p> <p>4 be deployed?</p> <p>5 A No.</p> <p>6 Q Do you remember any orders or announcements</p> <p>7 regarding the use of force that night?</p> <p>8 A No.</p> <p>9 Q What time did you get down there?</p> <p>10 A That I honestly don't remember. To be</p> <p>11 honest --</p> <p>12 Q Go on.</p> <p>13 A -- I don't even remember my hours working,</p> <p>14 to be honest with you. I believe I was 3:00 p.m. to</p> <p>15 3:00 a.m.</p> <p>16 Q Were you ever in the military?</p> <p>17 A No.</p> <p>18 Q Do you remember anything about the specific</p> <p>19 behavior of the individual in this video that night?</p> <p>20 A No.</p> <p>21 Q You're just pulling people out, zip cuffing</p> <p>22 them and moving to the next.</p> <p>23 A Correct.</p> <p>24 Q And nothing stands out to you about this</p> <p>25 arrest or detention.</p>	<p>1 A No.</p> <p>2 MR. NEWTON: Let's go on break for just a</p> <p>3 minute or two.</p> <p>4 (A short recess was taken.)</p> <p>5 BY MR. NEWTON:</p> <p>6 Q In your own words, can you walk me through</p> <p>7 how the approach to this individual and the detention</p> <p>8 and arrest transpired?</p> <p>9 A We were moving through the crowd, detaining</p> <p>10 individuals. We were placing them in the prone</p> <p>11 position and zip tying their hands behind their back.</p> <p>12 Q Let's go back to this. Can you see it with</p> <p>13 the light on?</p> <p>14 A Yes.</p> <p>15 Q And just play it from the beginning one more</p> <p>16 time here. Well, an additional time, maybe not the</p> <p>17 last.</p> <p>18 (Video played.)</p> <p>19 BY MR. NEWTON:</p> <p>20 Q What position was this individual in when</p> <p>21 you approached him?</p> <p>22 A I believe he was sitting or kneeling.</p> <p>23 Q Is there a reason that he wasn't just zip</p> <p>24 tied as he sat there?</p> <p>25 A Just more tactical to place people in the</p>
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<p>1 prone position.</p> <p>2 Q And by prone position, you mean on the</p> <p>3 ground.</p> <p>4 A Correct, arms up, face down on their belly.</p> <p>5 Q Was this individual displaying any type of</p> <p>6 active threat to you at the time?</p> <p>7 A No.</p> <p>8 Q Did someone tell you to do it this way?</p> <p>9 A Just training.</p> <p>10 Q This is how you were trained to meet these</p> <p>11 types of arrests and detentions?</p> <p>12 A Correct.</p> <p>13 Q You've handcuffed people from a standing</p> <p>14 position before, correct?</p> <p>15 A Oh, yeah.</p> <p>16 Q So not everybody has to be in the prone</p> <p>17 position to have handcuffs applied, correct?</p> <p>18 A Correct.</p> <p>19 Q Is there a reason that prone was selected</p> <p>20 this day rather than from a standing position? Why</p> <p>21 not just stand him up and flexi cuff him?</p> <p>22 A Just based on prior history, you know, if</p> <p>23 you stand somebody up, you give them the opportunity</p> <p>24 to potentially resist and/or run, flee.</p> <p>25 Q But he wasn't doing anything at this point</p>	<p>1 to give you an indication that he was going to either</p> <p>2 resist or run.</p> <p>3 A At that moment, no.</p> <p>4 Q At some point did he?</p> <p>5 A No.</p> <p>6 Q And it's a fair statement that when you went</p> <p>7 in and selected this individual and put him in a prone</p> <p>8 position, you hadn't seen him violate any laws,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q Did you have any probable cause to believe</p> <p>12 that this individual had broken the law?</p> <p>13 A No.</p> <p>14 Q You were just told to start detaining and</p> <p>15 arresting people.</p> <p>16 A Correct.</p> <p>17 Q Can you in your career think of another</p> <p>18 instance where that happened, where you've been</p> <p>19 instructed to -- ordered to arrest somebody with no</p> <p>20 specific probable cause that they committed a crime?</p> <p>21 A Arrest somebody?</p> <p>22 Q Yeah.</p> <p>23 A Detain. We've detained before.</p> <p>24 Q What was your understanding what was going</p> <p>25 to happen to this person next after they were</p>

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<p>1 detained?</p> <p>2 A My understanding as a whole was for us to</p> <p>3 detain the group of people and then an arrest team was</p> <p>4 going to come in.</p> <p>5 Q And arrest them?</p> <p>6 A Correct.</p> <p>7 Q And, again, we're talking different</p> <p>8 standards. Arrest requires some probable cause, but</p> <p>9 detention just requires reasonable suspicion, correct?</p> <p>10 A Correct.</p> <p>11 Q And just to take it back a little bit</p> <p>12 further, you didn't have any reasonable suspicion that</p> <p>13 this person had broken any laws, correct?</p> <p>14 A Personally, no.</p> <p>15 Q Just go back to the beginning here.</p> <p>16 (Video played.)</p> <p>17 BY MR. NEWTON:</p> <p>18 Q At no time from selecting this individual to</p> <p>19 putting him prone did this person resist you, did he?</p> <p>20 A No.</p> <p>21 Q There appears to be another individual here</p> <p>22 in a tactical outfit that is either assisting or</p> <p>23 participating in this detention. Would you agree with</p> <p>24 me?</p> <p>25 A Yes.</p>	<p>1 Q Do you know who that person is?</p> <p>2 A No.</p> <p>3 Q You've seen some white shirts roaming around</p> <p>4 here, correct?</p> <p>5 A I mean, can I see them? Yes. I can see the</p> <p>6 white shirt.</p> <p>7 Q Are you able to identify any of these</p> <p>8 individuals, any of these white shirts? Let's go back</p> <p>9 to the beginning and watch it with that question in</p> <p>10 mind.</p> <p>11 (Video played.)</p> <p>12 BY MR. NEWTON:</p> <p>13 Q Any idea who this gentleman is by the trash</p> <p>14 can?</p> <p>15 A No.</p> <p>16 Q Any of the white shirts identifiable to you?</p> <p>17 A No.</p> <p>18 Q At any point during the detention of the</p> <p>19 individual in this video did you call for assistance</p> <p>20 or aid?</p> <p>21 A No.</p> <p>22 Q Did you at any point feel threatened or</p> <p>23 attacked?</p> <p>24 A No.</p> <p>25 Q Were you injured at all in the events that</p>
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<p>1 took place on September 17, 2017?</p> <p>2 A No.</p> <p>3 Q What's your familiarity with the use of</p> <p>4 force continuum?</p> <p>5 A General.</p> <p>6 Q Well, pop quiz time. Walk me through what</p> <p>7 your understanding of the continuum is from the lowest</p> <p>8 use of force to the highest.</p> <p>9 A The lowest I would say would be soft hands</p> <p>10 techniques, i.e., arm bars, leg sweeps, things of that</p> <p>11 nature.</p> <p>12 Q And then?</p> <p>13 A After that would be a baton strike, Taser or</p> <p>14 OC spray. And then after that would be deadly force.</p> <p>15 Q What would be required for a baton strike or</p> <p>16 the use of OC spray?</p> <p>17 A If you feel that you can't gain compliance</p> <p>18 through the lower -- the lowest level of use of force.</p> <p>19 Q And you indicated earlier -- and I'm not</p> <p>20 saying you used OC spray -- but this individual was</p> <p>21 not resisting your arrest?</p> <p>22 A Not that I recall.</p> <p>23 Q What is your understanding if you deploy a</p> <p>24 chemical munition? You have the small cans of mace.</p> <p>25 I understand you're not on patrol anymore. When you</p>	<p>1 were on patrol, you had a small can of OC spray,</p> <p>2 correct?</p> <p>3 A Correct.</p> <p>4 Q And if you were to deploy that, what would</p> <p>5 happen next? What are you required to do post the</p> <p>6 deployment of chemical munitions?</p> <p>7 A Notify immediate supervisor, and then</p> <p>8 obviously you document it.</p> <p>9 Q Document it how?</p> <p>10 A You would generate an I-LEADS report. Our</p> <p>11 department's way of --</p> <p>12 Q Are you allowed to deploy chemical munitions</p> <p>13 and not file a report?</p> <p>14 A Not that I know of.</p> <p>15 Q Are there any procedures or processes that</p> <p>16 you have to take with an individual or arrestee or</p> <p>17 detainee after they've been maced or have had OC</p> <p>18 deployed on them?</p> <p>19 A We're required to offer them medical care.</p> <p>20 Q And in what form?</p> <p>21 A I can't say specifically, but I believe</p> <p>22 it's -- we normally just call for EMS and they</p> <p>23 respond.</p> <p>24 Q What are your reporting requirements if you</p> <p>25 use any of the soft touch use of force, leg sweep or</p>

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